

STATE HUMAN RIGHTS
COMMITTEE

Christina Delzingaro, Chair
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Randy Johnsey, V-Chair
Glade Spring

Thomas C. Bullock
South Hill

Penny Cameron
Reston

Carolyn DeVilbiss
Alexandria

Joseph Lynch
Harrisonburg

Donald Lyons
Hillsville

Jannie Robinson
Chesapeake

Frank Royal, Jr.
Richmond



COMMONWEALTH of VIRGINIA

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**MINUTES
STATE HUMAN RIGHTS COMMITTEE**

Virginia Center for Behavioral Rehabilitation
4901 E. Patrick Henry Highway
and
Piedmont Geriatric Hospital
5001 E. Patrick Henry Highway
Burkeville, Virginia
23922

Friday, December 9, 2011

9:00 – 10:00	Closed Session with VCBR Resident Advisory Council
Members Present	Christina Delzingaro, Chair , Penny Cameron, Joseph Lynch, T.C. Bullock, Carolyn DeVilbiss, Donald Lyons, Frank Royal
Members Excused	Randy Johnsey, Vice-Chair , Jannie Robinson
Staff Present	Karen DeSousa, DBHDS Special Counsel Tammy Long, Human Rights Advocate Security Guard 1, VCBR Security Guard 2, VCBR Margaret Walsh, Human Rights Director, DBHDS VCBR Cheryl Young, Quality Assurance and Resident Complaint Coordinator
Others Present	Members of the VCBR Resident Advisory Council: RB WC JC WC SD TE DG LRK

WM
RM
KT
AW

At 9:00 a.m. Christina Delzingaro called the December 9, 2011, State Human Rights Committee meeting to order. The SHRC met with members of the VCBR Resident Advisory Council

Upon a motion the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)15 for the purpose of discussion of medical and mental records.

Administrative Session

Piedmont Geriatric Hospital
Auditorium
5001 E. Patrick Henry Highway
10:30 a.m.

Members Present	Christina Delzingaro, Chair , Penny Cameron, Joseph Lynch, T.C. Bullock, Carolyn DeVilbiss, Donald Lyons, Frank Royal
Members Not Present	Randy Johnsey, Vice-Chair , Jannie Robinson
OHR Staff	Michael Curseen, Regional HR Advocate, Region 4 Reginald T. Daye, Regional Human Rights Advocate, Region 5 Beverly Garnes, Human Rights Advocate Kli Kinzie, Executive Secretary Beth Lee, Human Rights Advocate, Region 6 Tammy Long, Human Rights Advocate, Region 4 Annette Joseph-Walker, Human Rights Advocate Kevin Paluszak, Regional HR Advocate, Region 6 Margaret Walsh, State Human Rights Director
Other DBHDS Staff	Karen DeSousa, DBHDS Special Counsel Jason H. Wilson, Healthcare Compliance Manager, VCBR Cheryl Young, Quality Assurance and Resident Complaint Coordinator, VCBR
Call to Order and Welcome	<i>Upon a motion the SHRC came out of closed session. Each member certified that to the best of each member's knowledge only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.</i>

The Regular Session of the December 9, 2011 SHRC meeting convened at

10:30 a.m.

Information Copies

At 10:30 the SHRC reviewed correspondence received since the October 28, 2011 meeting.

The SHRC would like to receive an update on the DOJ negotiations and the annual FOIA training.

LHRC Vacancy Tracking Sheet

At 10:45 the SHRC reviewed the LHRC Vacancy Tracking Sheet. Joe Lynch provided color copies of a vacancy summary table he created. Margaret Walsh said the office of human rights would communicate with providers about facilitating the filling of vacancies. A conference call is scheduled for December 14, 2011 to discuss LHRC vacancies.

**Discussion of SHRC Newsletter
Human Writes Fall 2011 Issue**

At 10:55 Joe Lynch presented the draft Newsletter. Comments were received from SHRC members. Information from the DBHDS web site is included in the draft.

Kli Kinzie will reset the subtotals formulas on the tracking sheet, enter the new totals and update the revision date before sending to Joe Lynch for inclusion in the newsletter.

Upon a motion by T.C. Bullock and seconded by Carolyn DeVilbiss the SHRC unanimously approved the Newsletter as amended.

Joe Lynch and Carolyn DeVilbiss thanked Randy Johnsey for his thoughtful contributions to the newsletter.

At 11:05 the SHRC discussed follow-up to the meeting with the VCBR Resident Advisory Council (RAC). The RAC members who were present for the 9:00 meeting did an excellent job of presenting their concerns and in talking about how things change.

Joe Lynch asked that the RAC receive SHRC Agendas. SHRC Agendas will be sent to the RAC Chairman. Karen DeSousa will write a letter to the RAC in response to their concerns.

Margaret Walsh recommended that the SHRC invite Dr. Anita Schlank, Clinical Program Director for VCBR, to the January 27 SHRC Meeting to talk about some of the issues raised in the morning meeting, especially as relates to meaningful participation in treatment planning. Joe Lynch asked that Chairman Delzingaro appoint an ad hoc committee to explore this issue. Ms. Delzingaro appointed Joseph Lynch, Frank Royal, Penny Cameron and herself to the SHRC Response to VCBR RAC Committee.

Tammy Long provided copies of VCBR Exemptions to SHRC members.

11:40

Regular Session

Members Present	Christina Delzingaro, Chairperson , Penny Cameron, Frank Royal, Joseph Lynch, Donald Lyons, T.C. Bullock, Carolyn DeVilbiss
Members Not Present	Randy Johnsey, Vice-Chairperson , Jannie Robinson
OHR Staff	Mike Curseen, Regional Human Rights Advocate, Region 4 Kli Kinzie, Executive Secretary Beth Lee, Human Rights Advocate, Region 6 Tammy Long, Human Rights Advocate, Region 4 Kevin Paluszak, Regional Human Rights Advocate, Region 6 Margaret Walsh, State Human Rights Director
Other DBHDS Staff	Karen DeSousa, DBHDS Special Counsel
Staff	Jason H. Wilson, Healthcare Compliance Manager, VCBR Cheryl Young, Quality Assurance and Resident Complaint Coordinator, VCBR
Call to Order and Introductions	<i>At 11:40 Christina Delzingaro called the Regular Session of the December 9, 2011 SHRC meeting to order. Introductions took place prior to proceeding.</i>
Approval of Minutes October 28, 2011	<i>At 11:40 upon a motion by T.C. Bullock and seconded by Frank Royal the minutes of the October 28, 2011 SHRC meeting were approved unanimously.</i>
Public Comment Period 11:42	<i>At 11:42 Christina Delzingaro called for public comments. No public comments were offered.</i>
Approval of 2012 SHRC Meeting Schedule	At 11:43 the SHRC reviewed the proposed 2012 SHRC meeting schedule. <i>The 2012 meeting schedule was approved as revised.</i>
VCBR Policy 114: Administrative Segregation	At 11:46 the SHRC reviewed the VCBR Policy on Administrative Segregation. Jason Wilson and Cheryl Young were present to represent the facility. Margaret Walsh asked for a description of the Segregation room. The SHRC asked questions of Ms. Young and Mr. Wilson. Christina Delzingaro said she is very concerned about this policy and what it means for human rights. There is no specified end time for segregation and it seems extremely subjective. Jason Wilson responded that it is this type of policy that is approved for other SVP programs, and offered to provide some examples. Penny Cameron asked about using a behavioral piece that anticipates behaviors. Joe Lynch said this policy makes VCBR look less like a hospital, which is why the court system has a problem with it.
Model ICFMR Variance	At 12:20 Margaret Walsh presented the letters of intent to use the ICFMR Variance from Central Virginia Training Center and Southside Virginia Training Center. These came before the SHRC on October 28 and were

discussed but no official action was taken.

Upon a motion by T.C. Bullock and seconded by Joe Lynch the SHRC unanimously approved the use of the Model ICFMR Variance for Central Virginia Training Center and Southside Virginia Training Center effective October 28, 2011.

The SHRC thanks Beverly Garnes and Beth Lee, Human Rights Advocates, for following up with this issue.

Break for Lunch *12:20 BREAK FOR LUNCH*

Sub-Committees **At 12:45 Christina Delzingaro tabled subcommittee reports.**

LHRC Membership Appointments: At 1:53 the SHRC considered LHRC Membership.

Upon a motion by Joe Lynch and seconded by Frank Royal the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(1) for the purpose of discussion and consideration of appointments and reappointments to Local Human Rights Committees.

Upon reconvening each member certified that to the best of each member's knowledge only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in closed session.

The SHRC acknowledged the removal of Anjelique Nettleton from Hanover LHRC and Gail J. Russell from Southeast Alliance LHRC.

Upon a motion by T.C. Bullock and seconded by Frank Royal the SHRC unanimously made the following appointments:

Region 3 Roanoke LHRC
 Appoint: Mr. Joseph E. Kinchloe

Region 4 Richmond Unified LHRC
 Appoint: Ms. Shareen Young-Chavez
 Commonwealth LHRC
 Appoint: Ms. Mr. Donald Wheeler, Ms. Pamela Minter

Region 5 Universal Family LHRC
 Appoint: Ms. Sherry Roscoe
 Southeast Alliance LHRC
 Appoint: Ms. Victoria J. Pegram, Dr. John B. Dawson

Region 6 Central Virginia Training Center LHRC
 Appoint: Dr. Vishnu Vyas

SHRC Membership At 1:53 Christina Delzingaro appointed Frank Royal and T.C. Bullock to the SHRC Membership Committee. Members Christina Delzingaro and Joseph Lynch will rotate off the committee on June 30, 2012.

Other At 1:54 Reginald T. Daye talked about activities and issues at Eastern State Hospital.

SHRC Bylaws At 2:10 Margaret Walsh reported that she presented the SHRC Bylaws modification request to the DBHDS State Board on December 6, 2011. Board member Anand Pandurangi asked about the Board's authority to request SHRC reviews. Neither the human rights regulations nor the Virginia Code preclude the Board from requesting reviews.

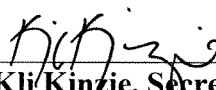
On December 6, 2011 the DBHDS State Board approved the revised SHRC Bylaws by a vote of 7:1.

Adjournment At 2:20 the meeting adjourned. The next SHRC meeting will be held on Friday, January 27, 2012 in Region 4.

Respectfully Submitted:



Christina Delzingaro, Chairperson



Kli Kinzie, Secretary